

### **REMARKS**

In the Office Action, dated July 22, 2004, the Examiner has rejected claims 1-11, 14, 15, 28 and 29, and has allowed claims 12, 13, 16-24, 26 and 27. Applicant acknowledges and appreciates the Examiner's statement regarding allowance of claims 12, 13, 16-24, 26 and 27. By the present amendment, claims 1, 4, 5, 10, 14, 24 and 28 have been amended. After the present amendment, claims 1-29 are pending in the application. Reconsideration and allowance of pending claims 1-29 in view of the following remarks are respectfully requested.

#### **A. Objection to Information Disclosure Statement**

The Examiner states that the Information Disclosure Statement filed on September 15, 2003, was not in compliance with 37 CFR 1.98(a)(1), because 37 CFR 1.98(a)(1) requires a list of all patents, publication, or other information submitted for consideration by the Office. In response, applicant is enclosing an Information Disclosure Statement including a list of all patents, publication, or other information submitted for consideration by the Office. Applicant respectfully submits that the Examiner's objection has been overcome and respectfully requests the Examiner's consideration of the information referred to therein.

#### **B. Objection to Reissue Application for Lacking Written Consent of Assignee**

The Examiner has objected to the reissue application under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. In response, applicant hereby encloses the written consent of PCTEL, Inc., the assignee of the present application.

**C. Objection to Reissue Application for Failing to Establish Ownership**

The Examiner has objected to the reissue application under 37 CFR 1.172(a) stating that the assignee has not established ownership interest in the patent for which reissue is being requested. In response, applicant has enclosed a statement confirming the assignee's ownership and rights in the patent. In support of that statement, the assignee has established the following chain of title:

1. A copy of the assignment of the invention by all inventors to Rockwell Semiconductor Systems, Inc.
2. A copy of name change document showing a name change from Rockwell Semiconductor Systems, Inc. to Conexant Systems, Inc.
3. Assignment Reel/Frame 014734/0539 showing assignment from Conexant Systems, Inc. to PCTEL, Inc.

Applicant respectfully submits that the Examiner's objection has been overcome.

**D. Objection to Reissue Application for Filing a Defective Oath/Declaration**

The Examiner has objected to the reissue application under 37 CFR 1.175 stating that the oath/declaration is defective. In response, applicant has enclosed a declaration signed by the assignee, PCTEL, Inc. Applicant respectfully submits that the Examiner's objection has been overcome.

The Examiner further states that the assignment was made and recorded in the Office whereby the inventors assigned their rights to Rockwell International Corporation; however,

there is no record to show that Rockwell International Corporation assigned its rights back to the inventors, such the inventors could assign the rights to Rockwell Semiconductor Systems, Inc.

Applicant respectfully submits that the inventors did not assign their rights to Rockwell International Corporation, but in fact, the inventors assigned their rights to Rockwell Semiconductor Systems, Inc. However, the assignment recordation cover sheet mistakenly lists Rockwell International Corporation as the assignee, whereas the actual assignment document signed by the inventors clearly assigns the rights to Rockwell Semiconductor Systems, Inc. Applicant has enclosed copies of the assignment recordation cover sheet and the assignment document.

Furthermore, applicant has enclosed a name change document showing that Rockwell Semiconductor Systems, Inc. changed its name to Conexant Systems, Inc.

**E. Claim Objections**

The Examiner has objected to claim 25 for reciting “the PCM modem”, where claim 24 does not show the word “modem”. By the present amendment, applicant has amended claim 24 to recite the word “modem” in the preamble. Applicant respectfully submits that the Examiner’s objection has been overcome.

**F. Rejection of Claims 1-11 and 14-15 under 35 USC § 112, ¶ 2**

The Examiner has rejected claims 1-11 and 14-15 under 35 USC § 112, ¶ 2. By the present amendment, applicant has amended claims 1, 4, 5, 10 and 14 to overcome the Examiner’s rejection.

**G. Rejection of Claims 28 and 29 under 35 U.S.C. § 251**

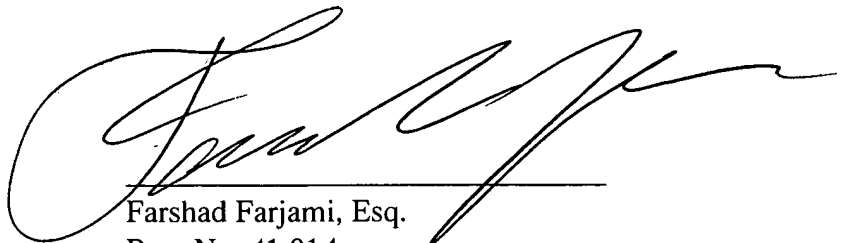
The Examiner has rejected claims 28 and 29, under 35 U.S.C. § 251, as being an improper recapture of broadened claims subject matter in the application for the patent upon which the present reissue is based.

By the present amendment, applicant has amended claim 28 to include the following limitation: "a second portion characterized by a colored spectrum over the predetermined bandwidth relative to the spectrum of the first portion." Accordingly, applicant respectfully submits that claim 28, and its dependent claim 29, are now in condition for allowance.

**H. Conclusion**

For all the foregoing reasons, an early allowance of claims 1-29 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;  
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